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Viewing cable 09PORTAUPRINCE157, HAITI: PRESSURE MOUNTS ON ELECTORAL COUNCIL TO RECONSIDER LAVALAS EXCLUSION

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Reference ID	Created	Released	Classification	Origin
09PORTAUPRINCE157	2009-02-11 13:51	2011-08-30 01:44	CONFIDENTIAL	Embassy Port Au Prince

Appears in these articles:

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SUBJECT: HAITI: PRESSURE MOUNTS ON ELECTORAL COUNCIL TO RECONSIDER LAVALAS EXCLUSION

REF: PORTAUPRINCE 122

Classified By: Amb. Janet A. Sanderson for reasons 1.4 (b) and (d)

¶1. (C) Summary: The U.S., Canadians, French, the European Commission and the OAS have issued statements in the last few days regarding the exclusion of Fanmi Lavalas from the upcoming Senate elections (reftel), stating that credible elections must be inclusive. A milder statement by MINUSTAH underscored the need for inclusion. A growing number of Haitian political actors have criticized the disqualification of all Fanmi Lavalas candidates. The Provisional Electoral Council (CEP) has begun to backtrack, opening a 'Grievance Office' to explain disqualifications and receive complaints, but with no expressed authority to put disqualified candidates back on the ballot. The Canadians and we will meet with the CEP later in the week to urge again that they keep the doors open to revising an excessively exclusionary approach to approving candidates. In doing so, we will continue to emphasize our firm support for Haiti's election process, including our commitment to provide funding. End summary.

INTERNATIONAL COMMUNITY PRESSES FOR INCLUSIVE ELECTIONS

¶2. (SBU) The U.S. and Canada issued statements February 6 expressing concern that the Provisional Electoral Council (CEP) had excluded all members of a particular party from the April 19 Senate elections, declaring that the credibility of the elections would hinge on bringing in all major parties, and asking the CEP to leave the door open to dialogue and discussion. MINUSTAH issued a statement February 8 defending the principle of inclusion but not mentioning the CEP action that produced this problem. The local OAS representatives circulated a statement by OAS Secretary General Insulza on February 7 highlighting the disqualification of a major party, and requesting that the CEP offer to extend the registration period so that 'irregularities' within certain parties could be ironed out. The European Commission and France have gone public in this same vein as well. Although no statement named the excluded political party, all in Haiti understand it to be Fanmi Lavalas, the party of former President Jean-Bertrand Aristide.

¶3. (SBU) The cascade of statements from the international communities appears to have had an effect. The CEP on February 8 stated it had opened a 'Grievance Office' that would inform candidates of the reasons their applications were rejected and to hear their complaints. However, CEP spokesman Frantz Bernadin told the press February 9 that the CEP's list of candidates was final. Recent public statements by CEP President Verret have focused exclusively on reiterating the CEP's independence and Haiti's sovereignty.

CENTRIST PARTIES LARGELY OPPOSE EXCLUSION OF LAVALAS

¶4. (C) A number of Haitian political parties have expressed reservations about the CEP's exclusion of Lavalas. While they have little sympathy for the party of former President Jean-Bertrand Aristide, they see the exclusion of Lavalas as a tactical mistake with possible security implications. Edgard Leblanc Fils, general coordinator of the Organization of Struggling People (OPL), told Poloff February 10 that the CEP is wrong to put all Lavalas candidates 'in the same basket' -- some, he said, had questionable pasts while others were legitimate competitors for the Senate seats they are contesting. Fusion's Micha Gaillard made the same point to Poloff February 9, adding that the CEP's questionable handling of the Lavalas matter further illustrated the party's reservations about the CEP's competence and independence. Anes Lubin, a member of the Lespwa coalition's

Executive Board, told Poloff February 9 that Haiti ''should not have elections without Lavalas,'' and that the CEP should find a way to integrate the party's candidates into the elections.

15. (SBU) Some Haitian political actors have taken swipes at the United States for ''interfering'' in Haiti's election. Senators Youri Latortue (Artibonite in Action, Artibonite) and Cemephise Gilles (Lespwa, North) as well as Deputy Stephen Benoit (Lespwa, West) criticized the U.S. Embassy February 9 for pressuring the ''independent'' CEP. Latortue accused the Embassy of violating the Vienna Convention on Diplomatic Relations. All three, however, stated that Haiti's elections should allow all major parties to participate. Senate President Kely Bastien (Lespwa, North), Senator Anacasis Jean Hector (West, Lespwa) and Chamber President Levaillant Louis-Jeune (Fusion/CPP, Artibonite) took a different position, stating publicly in the last few days that the U.S. did have the right to express its opinion on Haiti election matters. They also strongly supported the principle of inclusiveness.

LAVALAS PROTESTS EXCLUSION FROM APRIL BALLOTING

16. (C) Both moderate and hard-line Lavalas officials have called upon the CEP to reverse its decision to exclude Lavalas from the Senate elections. Sen. Rudy Heriveaux has repeatedly called for calm, but insisted that ''there will be no elections without Lavalas.'' The FL Executive Committee's Maryse Narcisse denounced Lavalas's exclusion as a ''provocation,'' and Rene Civil, the Lavalas militant and Narcisse ally, led a demonstration of a few hundred people outside the Aristide Foundation in Tabarre February 7. A rally reportedly planned near the National Palace on the same day did not materialize.

LAVALAS HARDLINERS CLAIM ARISTIDE MANDATE

17. (SBU) Maryse Narcisse, Coordinator of the FL Executive Committee and former private secretary to Jean-Bertrand Aristide, submitted to the CEP on February 9 a mandate purportedly signed by Aristide authorizing her to designate FL candidates for elections, as well as to assume other authorities of the party leader. The document, dated April 27, 2004 in Jamaica and typed in French, is Narcisse's response to CEP officials who excluded Lavalas on the grounds that FL candidates did not have the written authorization of Aristide as the party's leader to participate in the elections.

18. (C) FL moderates, one of whom provided Poloff a copy of the supposed attestation, argue that the document is not authentic. They claim that it was created by superimposing the text on a photocopy of Aristide's signature. The moderates also argue that the timing of the attestation's release is suspect -- if authentic, the document would have resolved a leadership dispute that has been simmering within the party since Aristide's departure in 2004. They allege that she only created the document once it became clear that the implied support of Aristide would not be enough to persuade the CEP to accept Lavalas candidates. In public, however, Cristalin and his allies have been more circumspect, saying they will leave it to the CEP to determine the authenticity of the document, and urging all factions of the party to join discussions on the unification of the party. Even Senator Heriveaux, who sides with the Narcisse faction, told the press February 9 that he was surprised by the existence of this document.

MODERATES SEEK DIALOGUE WITH HARDLINERS

19. (C) The moderate faction of Fanmi Lavalas, lead by Yves Cristalin with the tacit support of former PM Yvon Neptune, has sought a dialogue with the FL Executive Committee with little success. FL moderates privately say their goal is to

establish a unified list of FL candidates, including candidates from both the Narcisse/Heriveaux and Neptune/Cristalin camps, to counter the CEP argument that it could not countenance competing candidate lists. Deputy Jonas Coffy told Poloff February 8 that he and Cristalin have tried to open lines of communication to Narcisse, but Narcisse has continued to rebuff their overtures, most recently on February 7. Sen. Rudy Heriveaux, who has enjoyed an uneasy alliance with Narcisse since November 2008, has privately signaled his willingness to talk with Cristalin.

CEP TO RECEIVE PROTESTS FROM EXCLUDED CANDIDATES

¶10. (C) A number of candidates and party leaders have sought information informally from the CEP, and have received unsatisfactory or no answers. Fusion spokesman Micha Gaillard told Poloff February 9 that his party's leadership had been unable to determine with the CEP the deficiencies in the files of Fusion's two rejected candidates. On the other hand, the president of OPL, Edgard Leblanc Fils, said that the one OPL candidate who was disqualified -- for not demonstrating that he ''exercised a profession'' in his chosen department, even though his receipt from the electoral authorities confirmed that he submitted such a document -- was given a chance to submit additional documents and expects a decision shortly. Alyans leader Evans Paul, whose party is boycotting the elections to demonstrate lack of confidence in the CEP, said that many candidates were excluded for illogical reasons, citing one candidate who was denied a place on the ballot for not submitting an authorization from his political party, even though he wished to run as an independent.

COMMENT

¶11. (C) The growing chorus of domestic and international voices calling for the CEP to revisit a number of candidate disqualifications has made the election authority bend -- but only a little thus far. The Canadians and we will meet with the CEP later in the week to urge again that they keep the doors open to revising an excessively exclusionary approach to approving candidates. In doing so, we will continue to emphasize our firm support for Haiti's election process, including our commitment to provide funding.

SANDERSON